

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BERNADETTE M. FLOWERS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 3:16-cv-05025 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES, COSTS AND EXPENSES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8).

This matter is before the Court on plaintiff's Motion for EAJA Fees, Costs and Expenses

Pursuant to 28 U.S.C. § 2412 (*see* Dkt. 25). Defendant has no objection to this motion (*see* Dkt. 26).

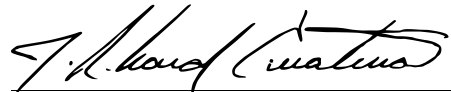
Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion (*see* Dkt. 25), the attorney declaration and time and expense itemizations (Dkt. 25, Attachments

2, 3, 4, 5), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$6,018.30 (for work performed by Jeffrey Baird in the amount of \$5,309.86, plus work performed by Timothy T. Kidd in the amount of \$708.44) and expenses in the amount of \$3.63, shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

It is further ORDERED that costs in the amount of \$15.25 shall be awarded to plaintiff pursuant to 28 U.S.C. § 1920.

The Acting Commissioner shall contact the Department of Treasury after the Order for EAJA fees, expenses and costs is entered to determine if the EAJA fees, expenses and costs are subject to any offset. If it is determined that plaintiff's EAJA fees, expenses and costs are not subject to any offset allowed pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees, expenses and costs shall be made payable to Timothy T. Kidd, Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney (*see* Federal Court Retainer Agreement, Dkt. 25, Attachment 6). If there is an offset, the remainder shall be made payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees, expenses and costs shall be mailed to plaintiff's counsel, Timothy T. Kidd, Esq., at Elie Halpern & Associates, PLLC, 1800 Cooper Pt. Road, SW, Bldg. 19, Olympia, WA 98502.

Dated this 15th day of November, 2016.



J. Richard Creatura
United States Magistrate Judge